

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

LEROY COLLINS,

Plaintiff,

vs.

**Case No.: 2:12-cv-1093
JUDGE SMITH
Magistrate Judge Deavers**

**WARDEN, LONDON CORRECTIONAL
INSTITUTION, et al.,**

Defendants.

ORDER

On June 5, 2013, the United States Magistrate Judge issued a *Report and Recommendation* recommending that Defendants' Motion for Judgment on the Pleadings be **GRANTED IN PART AND DENIED IN PART**. Specifically, it was recommended that Defendants' Motion be granted as to Plaintiff's claims against Defendant Woods for failure to state a claim; and that Defendants' Motion be denied as it relates to Plaintiff's claims against Defendants Bottorff and Murphy. Additionally, Plaintiff's Motion to Amend his Complaint was denied and Defendants' Motion to Stay Discovery was also denied. (*See Report and Recommendation*, Doc. 18). The parties were advised of their right to object to the *Report and Recommendation*. This matter is now before the Court on Defendants' Partial Objection to the *Report and Recommendation*. (*See* Doc. 26). The Court will consider the matter *de novo*. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3).

Defendants do not object to the Magistrate Judge's recommendation that the claims against Defendant Woods be dismissed for failure to state a claim. However, Defendants do object to the Magistrate Judge's recommendation regarding Plaintiff's claims against Defendants Bottorff and Murphy.

The objections, however, merely present the arguments and issues presented to and considered by the Magistrate Judge in the *Report and Recommendation*. For the reasons stated in the *Report and Recommendation*, this Court finds that the objections are without merit.

The *Report and Recommendation*, Document 18, is **ADOPTED** and **AFFIRMED**. Defendants' Motion for Judgment on the Pleadings is **GRANTED IN PART AND DENIED IN PART**. Further, Plaintiff's Motion to Amend and Motion to Stay Discovery are **DENIED**.

The Clerk shall remove Documents 13, 14, 15, and 18 from the Court's pending motions list.

IT IS SO ORDERED.

/s/ George C. Smith
GEORGE C. SMITH, JUDGE
UNITED STATES DISTRICT COURT